

08-15-05

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JF
PATENT MAINTENANCE
Express Mail Label
No. EV619616966US
2005 AUG 17 PM 4:00F/008



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : Stuart A. Fraser et al.
Application No. : 09/670,900 Confirmation No.: 7800

RECEIVED Filed : September 28, 2000

AUG 25 2005 For : SYSTEMS AND METHODS FOR TRANSFERRING
ITEMS WITH RESTRICTED TRANSFERABILITY

OFFICE OF PETITIONS Group Art Unit : 3625

Examiner : James Zurita

New York, New York 10020
August 11, 2005

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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SEP 26 2005

RESUBMISSION OF REPLY TO OFFICE ACTION
AND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT,
REQUEST THAT APPLICATION NOT BE HELD ABANDONED, AND
REQUEST FOR REFUND UNDER 37 C.F.R. § 1.26(a)

Sir:

The United States Patent and Trademark Office (USPTO) mailed an Office Action on April 13, 2004 in connection with the above-identified patent application. On August 13, 2004, applicants filed a Reply to Office Action (hereinafter "Reply") and a Supplemental Information Disclosure Statement (hereinafter "IDS"). To date, applicants have not received any further communications from the USPTO.

On November 15, 2004 and subsequently on February 14, 2005, Examiner Zurita orally advised the undersigned that the USPTO did not receive the August 13, 2004 Reply. In response to the Examiner's request, the undersigned submitted a copy of the August 13, 2004 Reply via facsimile on November 15, 2004 and subsequently via electronic-mail on February 16, 2005. The Examiner acknowledged receipt of the Reply on February 17, 2005.

On August 9, 2005, the undersigned reviewed the file history for this case on PAIR. According to the file history, the IDS (which was filed together with the Reply) was noted as being filed on August 13, 2004, while the Reply was noted as being untimely filed on February 16, 2005.

On August 9, 2005, the undersigned contacted the Examiner concerning the status of this case. The Examiner directed the undersigned to Ms. Lowuan Ellis who orally advised the undersigned that to have the Reply considered to be timely filed, evidence of such timely submission is required.

Enclosed are copies of the August 13, 2004 Reply, Petition for Extension of Time Pursuant to 37 C.F.R.

§ 1.136(a) (in duplicate), IDS, Form PTO-1449 (in duplicate), Cited Reference, Transmittal Letter (in duplicate), and Express Mail Certification (Tab 1). A copy of a return postcard that was date-stamped by the OIPE on August 13, 2004 is enclosed (Tab 2). A copy of the Express Mail Label corresponding to the Express Mail Certification submitted with the Reply and IDS is also enclosed (Tab 3). The Express Mail Label was date-stamped by the United States Postal Service on August 13, 2004. A printout confirming that the Express Mail package containing the Reply and IDS was received by the USPTO is also enclosed (Tab 4).

The Reply was filed within four months of the mailing date of the Office Action. Applicants petitioned for a one-month extension of time and supplied a check in the amount of \$110.00 to cover the extension-of-time fee. This check was cashed by the USPTO on August 16, 2004. A copy of the cashed check is enclosed herewith (Tab 5). Because the Reply was originally-filed by Express Mail on August 13, 2004, as evidenced by the stamped Express Mail Label and return postcard, and because applicants have already paid a one-month extension-of-time fee, as evidenced by the cashed \$110.00 check, applicants believe that no

further extension fees are due in connection with the resubmission of this Reply.

Applicants respectfully request that the Reply be entered in the above-identified patent application, and that prosecution of the application resume its normal course. In view of the fact that the USPTO originally received the Reply within six months from the mailing of the April 13, 2004 Office Action, as evidenced by the return postcard, applicants further respectfully request that this application not be held to have been abandoned.

On April 15, 2005, \$1,020.00, in payment of a three-month extension-of-time fee, was charged to Deposit Account No. 06-1075 in connection with this case. A copy of the Deposit Account Statement is enclosed herewith (Tab 6). In view of the fact that the USPTO originally received the Reply within four months from the mailing of the April 13, 2004 Office Action, as evidenced by the stamped Express Mail Label and return postcard, only a one-month extension-of-time fee is required; and because applicants have already paid the one-month extension-of-time fee, as evidenced by the cashed \$110.00 check (see Tab 5), applicants respectfully request a refund in the amount of \$1,020.00 to

be credited to Deposit Account 06-10175, Order
No. 000718-0008.

With respect to the IDS, a fee in the amount of \$180.00 was due because this IDS was filed pursuant to 37 C.F.R. § 1.97(c)(2). Applicants submitted a check in the amount of \$180.00 in connection with the filing of the IDS. This check was cashed by the USPTO on August 16, 2004. A copy of this cashed check is enclosed herewith (Tab 7). Accordingly, applicants believe that no additional fee is due for consideration of the IDS as evidenced by the return postcard, because applicants have already paid the fee in consideration of this IDS, as evidenced by the cashed \$180.00 check, and as evidenced in the file history for this case on PAIR.

However, notwithstanding the foregoing, the Director is hereby authorized to charge any fee that may be due, or to credit any overpayment of the same, in connection with this Resubmission, to Deposit Account 06-1075, Order No. 000718-0008. A duplicate copy of this Resubmission is enclosed herewith.

An early and favorable action is respectfully
requested.

Respectfully submitted,

Evelyn C. Mak

Evelyn C. Mak
Registration No. 50,492
Attorney for Applicants

FISH & NEAVE IP GROUP
ROPES & GRAY LLP
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1251 Avenue of the Americas
New York, New York 10020-1105
(212) 596-9000



PATENTS
CF/008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Stuart A. Fraser et al.
Application No. : 09/670,900 Confirmation No. : 7800
Filed : September 28, 2000
For : SYSTEMS AND METHODS FOR TRANSFERRING ITEMS
WITH RESTRICTED TRANSFERABILITY
Group Art Unit : 3625
Examiner : James Zurita

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

New York, New York 10020
August 11, 2005

EXPRESS MAIL CERTIFICATION

Sir:

"Express Mail" mailing label number EV619616966US

Date of Deposit August 11, 2005

I hereby certify that the papers identified below are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and are addressed to the Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

1. Resubmission Of Reply To Office Action And Supplemental Information Disclosure Statement, Request That Application Not Be Held Abandoned, And Request For Refund Under 37 C.F.R. § 1.26(a);
2. Tab 1: Copies of the August 13, 2004 Reply to Office Action, Petition for Extension of Time Pursuant to 37 C.F.R. § 1.136(a) (in duplicate), Supplemental Information Disclosure Statement, Form PTO-1449 (in

duplicate), cited reference, Transmittal Letter (in duplicate), and Express Mail Certification;

3. Tab 2: Copy of date-stamped return postcard;
4. Tab 3: Copy of date-stamped Express Mail Label;
5. Tab 4: Printout confirming receipt of Express Mail Package;
6. Tab 5: Copy of cancelled check in the amount of \$110.00;
7. Tab 6: Copy of Deposit Account Statement;
8. Tab 7: Copy of cancelled check in the amount of \$180.00; and
9. Return Postcard.

Express Mail Label
No. EV371744711US

PATENTS
CF/008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : Stuart A. Fraser et al.
Application No. : 09/670,900 Confirmation No. : 7800
Filed : September 28, 2000
For : SYSTEMS AND METHODS FOR TRANSFERRING
ITEMS WITH RESTRICTED TRANSFERABILITY
Group Art Unit : 3625
Examiner : James Zureta

New York, New York 10020
August 13, 2004

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER

Sir:

Transmitted herewith: ☐ Preliminary Amendment;
☒ Reply to Office Action; ☐ substitute Specification;
☐ Declaration; ☐ Supplemental Declaration; ☐ Power of
Attorney; ☐ formal drawings; ☐ Replacement Drawings;
☒ Petition for Extension of Time; ☒ Third Supplemental
Information Disclosure Statement; ☒ Form PTO-1449; ☒ copy
of one (1) cited reference to be filed in the above-identified
patent application.

FEE FOR ADDITIONAL CLAIMS

[X] A fee for additional claims is not required.

[] A fee for additional claims is required.

The additional fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE		ADDITIONAL FEES
TOTAL CLAIMS	115	-	128	*	=	0	X \$ 18	=	\$ 0.00
INDEPENDENT CLAIMS	7	-	7	**	=	0	X \$ 86	=	\$ 0.00
FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM								+ \$290	= \$
*	If less than 20, insert 20.						TOTAL	\$ <u>0.00</u>	
**	If less than 3, insert 3.								

[] A check in the amount of \$_____ in payment of the filing fee is transmitted herewith.

[X] The Director is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16 in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

[] Please charge \$_____ to Deposit Account No. 06-1075 in payment of the filing fee. A duplicate copy of this transmittal letter is transmitted herewith.

EXTENSION FEE

- ☒ The following extension is applicable to the Response filed herewith; ☒ \$110.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); ☐ \$420.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); ☐ \$950.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); ☐ \$1,480.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); ☐ \$2,010.00 within fifth month pursuant to 37 C.F.R. § 1.136(a).
- ☒ A check in the amount of ☒ \$110.00; ☐ \$420.00; ☐ \$950.00; ☐ \$1,480.00; ☐ \$2,010.00 in payment of the extension fee is transmitted herewith.
- ☐ Please charge the ☐ \$110.00; ☐ \$420.00; ☐ \$950.00; ☐ \$1,480.00; ☐ \$2,010.00 extension fee to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

Supplemental Information Disclosure Statement

This Supplemental Information Disclosure Statement is submitted:

- ☐ [] within three months of the application filing date;
 - ☐ [] more than three months from the application filing date but before the mailing date of the first Office Action on the merits.
 - ☒ [X] after the mailing of the first Office Action on the merits but before the date of any of a final action, a notice of allowance, or an action that otherwise closes prosecution in this application and is accompanied by a check for \$180.00.
-
- ☒ [X] The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

Evelyn C. Mak

Evelyn C. Mak
Registration No. 50,492
Attorney for Applicants

FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020
Tel.: (212) 596-9000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Stuart A. Fraser et al.
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Mail Stop AMENDMENT
Commissioner for U.S. Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

New York, New York 10000
August 13, 2004

EXPRESS MAIL CERTIFICATION

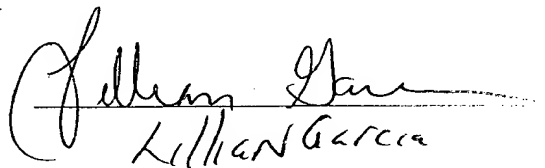
Sir:

"Express Mail" mailing label number EV371744711US

Date of Deposit August 13, 2004

I hereby certify that the papers and fees identified as being deposited with the United States Postal Service "Express Mail Office to Addressee" service under 37 C.F.R. § 1.10 on the date and above and are addressed to the Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

- Transmittal Letter (in duplicate);
- Reply to Office Action;
- Petition for Extension of Time (in duplicate);
- Supplemental Information Disclosure Statement;
- Form PTO-1449 (in duplicate);
- Copy of one (1) cited reference;
- Return Postcard;
- Check for \$180.00; and
- Check for \$110.00.


Lillian Garcia

BEST AVAILABLE COPY

PACKAGE TO BE HAND-CARRIED TO P.O.

TODAY

EXPRESS MAIL ORDER SLIP

TO: COMPLETED BY THE PATENT DEPARTMENT

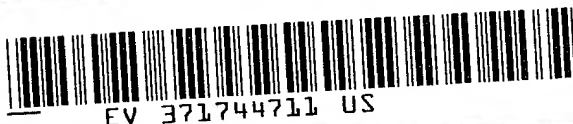
DATE: 8/13/04

EXPRESS MAIL LABEL NO: EV 371744711 US

DOCKET NO: CF/008

APPLICATION NO: 09/670,900

Customer Copy
Label 11-F June 2002



EV 371744711 US



Post Office To Addressee

ORIGIN (POSTAL USE ONLY)

PO Zip Code: _____

Date: _____

Mo. Day Year: _____

Time In: _____

☐ AM ☐ PM

Weight: _____ lbs. _____ ozs.

No Delivery: ☐ Weekend ☐ Holiday

Day of Delivery: ☐ Next ☐ Second ☐ Third ☐ Fourth ☐ Fifth ☐ Sixth ☐ Seventh

Flat Rate Envelope: ☐ Postage: \$ _____

Return Receipt Fee: \$ _____

Int'l Alpha Country Code: _____

COD Fee: \$ _____ Insurance Fee: \$ _____

Acceptance Clerk Initials: _____

Total Postage & Fees: \$ _____

DELIVERY (POSTAL USE ONLY)

Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	_____
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	_____
Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	_____

☐ **WAIVER OF SIGNATURE (Domestic Only)** Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY ☐ Weekend ☐ Holiday

Customer Signature: _____

CUSTOMER USE ONLY

METHOD OF PAYMENT: _____

Express Mail Corporate Acct. No. _____

FROM: (PLEASE PRINT) _____

PHONE: () _____

MAIL STOP AMENDMENT

COMMISSIONER FOR USPT. PATENTS

P.O. BOX 1450

ALEXANDRIA, VIRGINIA 22310-1450

ECN 000718.0008

Federal Agency Acct. No. or Postal Service Acct. No. _____

TO: (PLEASE PRINT) _____

PHONE: () _____

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Track & Confirm

Search Results

Label/Receipt Number: EV37 1744 711U S
Status: **Delivered**

Your item was delivered at 9:08 am on August 16, 2004 in ALEXANDRIA, VA 22313. The item was signed for by M BOSTON.

Additional information for this item is stored in files offline.

[Restore Offline Details >](#)[Return to USPS.com Home >](#)

Track & Confirm

Enter Label/Receipt Number.

Notification Options

Proof of Delivery

Verify who signed for your item by email, fax, or mail.

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DOCKET NO.

CF/008

CONFIRMATION NO.

7800

APPLICANT

Stuart A. Fraser et al.

APPLICATION NO.

09/670,900

FILED

September 28, 2000

RECEIPT IS HEREBY ACKNOWLEDGED OF THE

Reply to Office Action; Transmittal letter (in duplicate); Petition for Extension of Time (in duplicate); Supplemental Information Disclosure Statement; Form PTO-1449 (in duplicate); Copy of the one (1) cited reference; Express Mail Certification; Check in the amount of \$180.00 and Check in the amount of \$110.00.

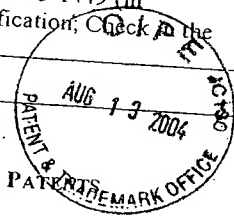
DATED

August 13, 2004

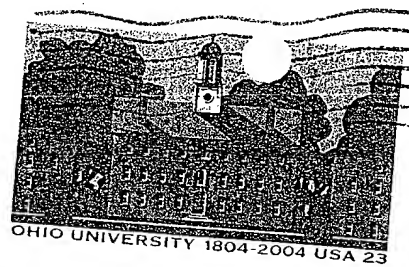
FILED IN CONNECTION WITH THE ABOVE CASE.

EXPRESS MAIL No.: EV371744711US
ECM 000718.0008

COMMISSIONER FOR PATENTS

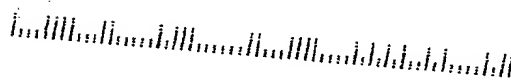


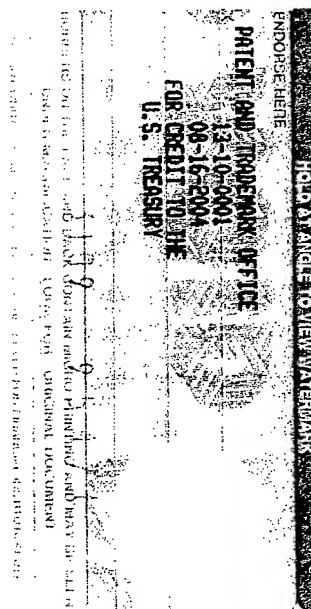
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FISH & NEAVE
1251 AVENUE of the AMERICAS
NEW YORK, NY 10020

POSTNET







United States Patent and Trademark Office



Deposit Account Statement

Requested Statement Month: April 2005
Deposit Account Number: 061075
Name: FISH & NEAVE
Attention: PATENT DEPARTMENT
Address: 1251 AVENUE OF AMERICAS
City: NEW YORK
State: NY
Zip: 10022
Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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04/01	73	11093429	STK-8 CIP DIV2	1011	\$300.00	\$27,162.59
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04/06	13	PCT/US04/35115	PRX/001 PCT	1462	\$400.00	\$24,188.59
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04/15	2	PCT/US05/08083		9204	-\$69.00	\$20,782.59
→ 04/15	7	09670900	CF/008	1253	\$1,020.00	\$19,762.59
04/15	178	10382077	272/111 CONT	2501	\$700.00	\$19,062.59
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04/15	180	10382077	272/111 CONT	8001	\$15.00	\$18,747.59
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04/18	38	10734506	MI-42	1806	\$180.00	\$18,467.59
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04/21	41	60667265	UV-366 PROV.	1085	\$250.00	\$10,725.59
04/21	53	PAYMENT		9203	-\$10,000.00	\$20,725.59
04/22	1	09805864	ADM-26B	1806	\$180.00	\$20,545.59
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04/22	70	09943320	MIC-17	1453	\$1,500.00	\$17,195.59
04/22	143	09943320	MIC-17	1501	\$1,400.00	\$15,795.59
04/22	144	09943320	MIC-17	1504	\$300.00	\$15,495.59
04/25	1	09516428	ODS-010 0304	1464	\$130.00	\$15,365.59
04/25	20	11093818	STK-8 CIP DIV1	1081	\$250.00	\$15,115.59

04/25	25	10783976	MIC-30 CONT	1806	\$180.00	\$14,935.59
04/25	43	60673614	P.050420.01PROV.US_RG	1005	\$200.00	\$14,735.59
04/25	87	08486004		8008	\$200.00	\$14,535.59
04/25	88	08486004		8024	\$40.00	\$14,495.59
04/26	2	09498046	VIB-08	2201	\$200.00	\$14,295.59
04/26	549	PCT/US05/13428	4S/001 PCT	1701	\$912.00	\$13,383.59
04/26	551	PCT/US05/13428	4S/001 PCT	1703	\$169.00	\$13,214.59
04/26	552	PCT/US05/13428	4S/001 PCT	8007	\$20.00	\$13,194.59
04/27	1	10424239	SG-1 DIV	1811	\$100.00	\$13,094.59
04/27	4	09623881	22128974-2	1806	\$180.00	\$12,914.59
04/27	6	10612497	ABX-PF/1 DIV1	1202	\$1,650.00	\$11,264.59
04/27	7	10612497	ABX-PF/1 DIV1	1814	\$130.00	\$11,134.59
04/27	8	10612497	ABX-PF/1 DIV1	1814	\$130.00	\$11,004.59
04/27	136	09858457	0008790001AUT008	1501	\$1,400.00	\$9,604.59
04/27	137	09858457	0008790001AUT008	1504	\$300.00	\$9,304.59
04/27	138	09858457	0008790001AUT008	8001	\$15.00	\$9,289.59
04/27	143	11114267	LT/150 DIV	1011	\$300.00	\$8,989.59
04/27	144	11114267	LT/150 DIV	1111	\$500.00	\$8,489.59
04/27	145	11114267	LT/150 DIV	1311	\$200.00	\$8,289.59
04/28	15	60667200	GW-014 PROV	1085	\$1,250.00	\$7,039.59
04/28	17	10774336	AX-109 CONT.2	1814	\$20.00	\$7,019.59
04/28	18	11099924	UV-84 CONT 2	1081	\$250.00	\$6,769.59
04/28	19	11099924	UV-84 CONT 2	1081	\$250.00	\$6,519.59
04/29	11	P110462		1463	\$200.00	\$6,319.59
04/29	35	11002960	AX-121-2 DIV	2051	\$5.00	\$6,314.59
04/29	83	10011504	LT-99	1251	\$120.00	\$6,194.59
04/29	451	PCT/US05/14268	SPAR/001 PCT	1703	\$279.00	\$5,915.59
04/29	453	PCT/US05/14268	SPAR/001 PCT	8007	\$20.00	\$5,895.59

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